

PUBLIC COMMENT on PROPOSED BUILDING STANDARDS
For Publication in Title 24, California Code of Regulations

See instructions for completing this form on Page 2.

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Proposed Building Standard

Title 24 Part #: (select one) Part 1 Section #: Ch. 2 (Item 2.03)

Proposing State Agency DSA-AC

This comment is intended
for review during:
(select one)
☐ Code Advisory Committee
☒ 45-Day Comment Period
☐ 15-Day Comment Period
☐ Commission Meeting

Your recommendation based on the criteria of Health and Safety Code Section 18930(a) printed on the back of this form is: (select one)

☐ Approve ☒ Disapprove
☐ Further Study Required ☐ Approve as Amended

In support of your recommendation above, provide the rationale based on the criteria of Health and Safety Code Section 18930(a) printed on the back of this form. If you recommend anything other than approve, cite the criteria in your comment. If you oppose a proposed building standard, offer a solution or alternative for the state agency to consider. Please use separate pages if your comment does not fit in this space.

Please see the attached pages.

Attachments?

☒ Check if you have attached additional pages. The number of pages attached is: 3

For CBSC Office Use Only Date Received: _____ Rulemaking Item #: _____

1. DSA-AC provides three (3) reasons for the proposed changes in the Statement of Reasons for Item 2.03. Neither is valid to the point of sufficiently supporting the proposed changes.

A. The proposed change is being made to the definition of RISER “for clarity and accuracy”. I submit it will do neither. In fact, it will create confusion of a different sort.

The proposed definition of RISER is wholly dependent on the existence of (stair) landings; however the term “landing” is not defined.

Consider the stoop in the photo below. Will this be considered to be a stair (requiring handrails)? Does the stoop itself qualify as a top landing? Does the asphalt pavement qualify as a bottom landing? One might say the border of the stoop is a curb, and handrails are not required at curbs. If the stoop surface at the bottom of the stoop was something other than a vehicular way, curbs are not present, and this could qualify as a stair under the proposed change.



B. DSA-AC notes that the current definition of RISER does not align with “the common understanding” of what a stair is, and that the proposed change is being made to align with what is “commonly understood”.

Access standards use common terms in highly technical ways. Such terms are defined in Chapter 2 precisely because the technical meaning of the term and the common use of the term (may) differ. ACCESSIBLE ROUTE, CIRCULATION PATH, and PATH OF TRAVEL are perfect examples of this. To change or delete the definitions of these terms because their technical meanings do not align with “the common understanding” would undermine the foundation of accessibility standards.

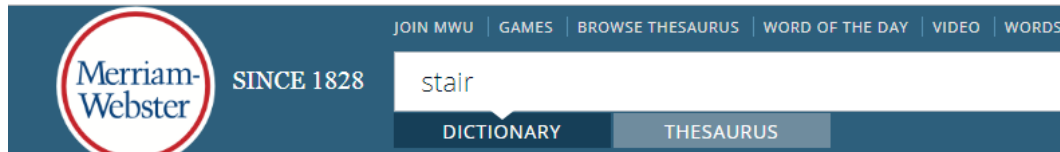
To base a building code on what is “commonly understood” diminishes the value of and the need for the code.

C. DSA-AC states: “If a flight does not have risers, as defined, then it is not a stair, as defined, and handrails are not required. **This is a problem because the 2010 ADA Standards for Accessible Design requires handrails at stairs with as few as one riser (as commonly understood).**” (Emphasis added).

Again we have an assertion of something being “commonly understood”: this time with regard to what is required by the 2010 ADA Standards for Accessible Design (2010 ADA Standards).

The 2010 ADA Standards do not define the term “stair” or “stairway”. These same standards (106.3 Undefined Terms) state that terms undefined therein “shall be defined by collegiate dictionaries in the sense that the context applies.”

Merriam-Webster defines “stair” and “stairway as follows:

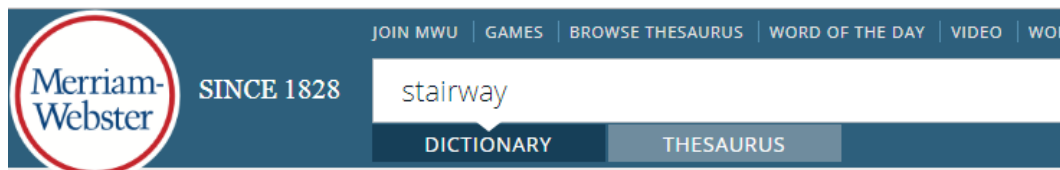


stair noun

\ˈster \

Definition of *stair*

- 1 : a series of steps or flights of steps for passing from one level to another —often used in pl. but singular or plural in construction
// a narrow private stairs
— Lewis Mumford
- 2 : a single step of a [stairway](#)



stairway noun

stair·way | \ˈster-ˌwā \

Definition of *stairway*

: one or more flights of [stairs](#) usually with landings to pass from one level to another

The preferred definition of “stair” is a series of steps, not a single step. The second definition identifies a stair as a single step when it is part of a stairway.

At least one collegiate dictionary considers a stair to contain multiple steps, not just one, and I suspect that is commonly understood as well.

2. Currently, per the CBC, a STAIR must contain a minimum of 3 vertical rises, which I shall explain below.

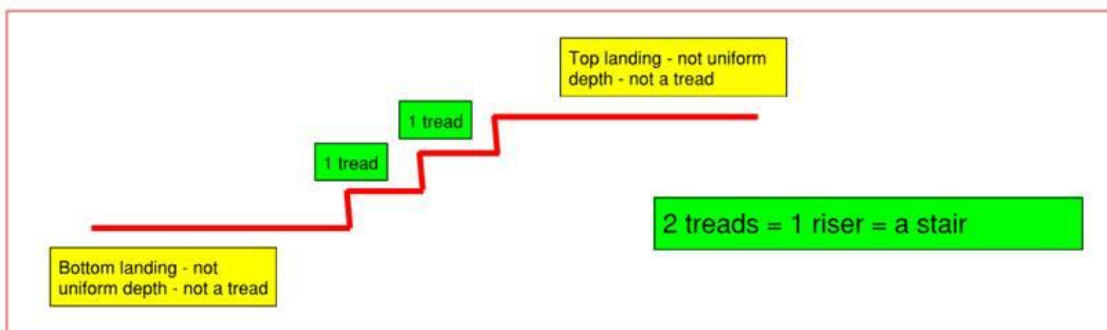
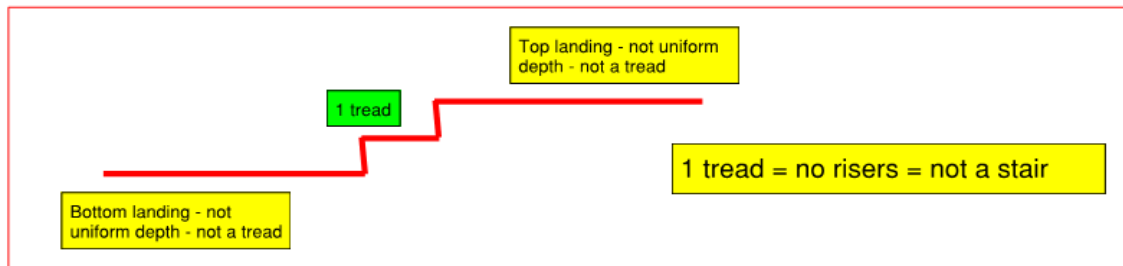
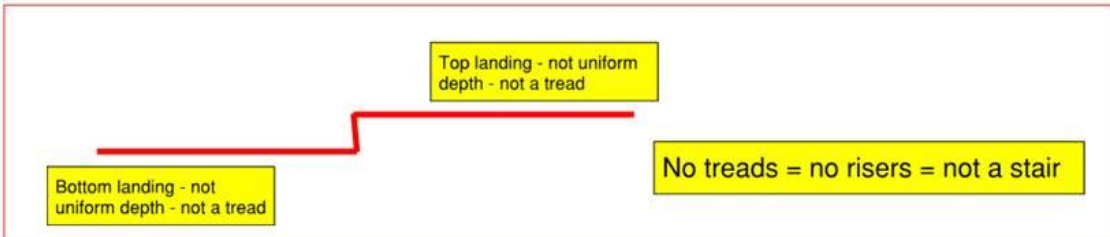
Here are the relevant definitions:

"STAIR. *A change in elevation, consisting of one or more risers."*

"RISER. *The upright part between two adjacent stairs treads."*

"TREAD. *The horizontal part of a step."*

Per the standards, stair treads must have a uniform depth. As such a stair's top and bottom landings do not qualify as treads. By definition, where there are no treads, there are no risers; and where there is no riser, there is no stair. The graphics below illustrate the results of this line of thinking.



Admittedly, this is not "the common understanding", but it is what the CBC requires. And while the 2010 ADA Standards is not so precise, the above result does not conflict with what it requires.

Based on this, the proposed changes result in an increase in the CBC's (and the ADA Standards') requirements for accessibility.